

U.S. Patent Application Serial No. **09/831,378**
Response dated March 24, 2004
Reply to OA of **October 24, 2003**

REMARKS

Claims 1-20 are pending in this application. Claims 1-20 are rejected. No amendment has been made herein.

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being obvious over Obuchi et al. (U.S. Patent No. 6,511,756). (Office action point 1)

The Examiner states that Obuchi et al. '756 is prior art only under 35 U.S.C. 102(e). However, Applicants respectfully disagree with the Examiner that Obuchi et al. '756 is prior art under any section of 102.

The present application was filed on August 7, 2001, and is a 371 of PCT /JP99/06429, filed on November 18, 1999. **November 18, 1999, is therefore the effective U.S. filing date of the present application.** Applicants also claim foreign priority of JP327978/1998, filed on November 18, 1998.

Obuchi et al. '756 has a 371(c)(1), (2), (4) date of April 24, 2000 (that is, the date of commencement of national stage in the U.S.) and is a U.S. national stage of a PCT application PCT/JP98/04788, filed on October 22, 1998, and published as WO99/20676 on April 29, 1999; the publication of the international application was in Japanese. Therefore, the U.S. patent, Obuchi et al. '756 is **not** prior art for the present application.

Obuchi's PCT application WO99/20676 is also not a reference under 35 U.S.C. 102(e). As

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explained in MPEP 2136.03(II), the U.S. filing date under 35 U.S.C. 102(e) of a reference resulting from an International Application is the international filing date if:

- 1) the international filing date is on or after November 29, 2000;
- 2) the international application designates the U.S.; and
- 3) the international application is published under PCT Article 21(2) in English.

However, in the present case:

- 1) The international filing date of Obuchi et al.'s PCT application is October 22, 1998, that is, **before November 29, 2000**; and
- 2) The international application of Obuchi et al. was published in **Japanese**.

Therefore, WO99/20676 is not a reference under 35 U.S.C. 102(e).

Applicants note, however, that the published PCT application, WO99/20676, **is** a reference under **35 U.S.C. 102(a)** as of its publication date of April 29, 1999.

Applicants therefore overcome WO99/20676 by asserting the claim for foreign priority to JP327978/1998, filed November 18, 1998. The claim for priority has already been made in this application and the certified copy of the priority document has been received by the USPTO. In accordance with 37 CFR 1.55 (MPEP 201.15), Applicants here attach a verified translation of JP327978/1998.

Applicants submit that the priority document, JP327978/1998, provides full support under 35 U.S.C. 112, first paragraph, for the present claims. Support for the present claims may be found

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in the verified translation as follows:

Currently pending claim 1 was amended for clarity only from original claim 1 in the amendment of August 5, 2003. Claim 1 of JP327978/1998 can be seen to recite the alicyclic structure-containing polymer and the limitation that at least 10% by weight of the repeating units have no norbornane ring. Support for this recitation can also be found on page 7, lines 17-23, of the translation of the specification of JP327978/1998.

Claim 2 of the present application, reciting soft polymer (B), similarly finds support in claim 2 and on page 8, lines 3-5, of the translation of JP327978/1998.

Claim 3 of the present application, reciting the crystalline resin layer, finds support in claim 5 of the translation of JP327978/1998.

Support for claims 4 and 5 of the present application, reciting the draw ratio, is found on page 40, lines 12-14, of the translation of JP327978/1998.

Support for claim 6 can be found in Table 1-2 on page 66 of the translation of JP327978/1998.

Support for claim 7 can be found on page 39, line 19, to page 40, line 3, of the translation of JP327978/1998.

Support for claim 8 can be found on page 40, lines 17-18, of the translation of JP327978/1998.

Support for claim 9 can be found on page 18, line 5, to page 19, line 16, of the translation of JP327978/1998.

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Support for claim 10 can be found on page 10, line 5, of the translation of JP327978/1998.

Support for claims 11 and 12 can be found on page 11, lines 15 and ff. of the translation of JP327978/1998.

Support for claims 13-16 can be found in paragraphs [0011] to [0013] of the translation of JP327978/1998.

Support for claim 17 can be found on page 20, lines 5-11, of the translation of JP327978/1998.

Support for claim 18 can be found in claim 7 and on page 20, lines 14-16, of the translation of JP327978/1998.

Support for claim 19 can be found on page 41, lines 17-24, of the translation of JP327978/1998.

Support for claim 20 can be found in claim 9 of the translation of JP327978/1998.

Reconsideration of the rejection is respectfully requested.

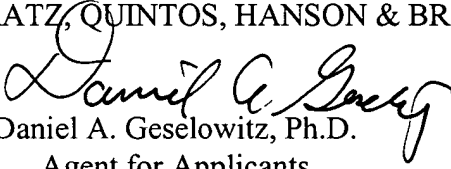
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP


Daniel A. Geselowitz, Ph.D.
Agent for Applicants
Reg. No. 42,573

DAG/plb
Atty. Docket No. **010649**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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Enclosures: Verified Translation of Priority document 327978/1998

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